

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADDING CHAPTER 7.18
(UNSCHEDULED COLLECTION) TO TITLE SEVEN OF
THE SANTA BARBARA MUNICIPAL CODE PERTAINING
TO PERMIT REQUIREMENTS FOR CERTAIN
UNSCHEDULED SOLID WASTE COLLECTION
BUSINESSES

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Title 7 of the Santa Barbara Municipal Code is amended by adding Chapter 7.18, entitled "Unscheduled Collection," which reads as follows:

7.18.010 Definitions.

The words and phrases used in this Chapter shall have the same meaning as defined in Chapter 7.16.010, unless otherwise specifically defined herein. Words and phrases not defined in this Chapter or in Chapter 7.16.010 shall have the meaning as defined in the Act.

A. ACT. The California Integrated Waste Management Act, Public Resources Code Section 4000 et seq., including all regulations promulgated thereunder by the Integrated Waste Management Board as presently enacted or subsequently enacted or amended.

B. CERTIFIED RECYCLING FACILITY OR FACILITIES. A recycling, composting, materials recovery or re-use facility for which the Public Works Director has issued a certification pursuant to Chapter Regulations adopted pursuant to this Chapter. The Chapter Regulations establish the specific requirements for the certification of a recycling facility. The Public Works Director shall issue a certification on an annual basis for a recycling facility only if the owner or operator of the facility submits documentation satisfactory to the Director that the facility has obtained all applicable Federal, State and local permits. In addition, the owner or operator of a certified recycling facility shall regularly submit records, on a form approved by the Public Works Director, which evidences that the amount of waste that is diverted from landfill disposal meets the minimum percentage set forth in this Chapter and in the Chapter Regulations.

C. COLLECTION BUSINESS. Any Person who provides Unscheduled Collection services in the City.

D. CONSTRUCTION AND DEMOLITION DEBRIS. The discarded materials, packaging or rubble resulting from the construction, remodeling, repair, or demolition of buildings and other improvements, including but not limited to brick, rock, wood, and concrete.

E. CONTAINER(S). Any roll-off, container, box, dumpster, or other similar container that is ten cubic yards or greater in volume, including any vehicle with a gross vehicle weight rating of seven (7) tons or greater and which is used to provide Unscheduled Collection of solid waste or other similarly defined services. For purposes of this Section, the terms “gross vehicle weight rating” and “vehicle” shall have the same meaning as those terms are defined in Sections 350 and 670, respectively, in the California Vehicle Code as presently enacted or subsequently enacted or amended.

F. DIVERT OR DIVERSION. A reduction in the amount of solid waste being disposed in landfills by the delivery of waste collected by a Permittee to a Certified Recycling Facility or disposed by other appropriate methods as approved in the Chapter Regulations.

G. GREENWASTE. Any prunings, brush, leaves, grass clippings, hedge trimmings, small branches or other vegetative waste.

H. PERMITTEE. The Collection Business in whose name an Unscheduled Collection Permit has been issued, including any Person acting as an agent of the Permittee.

I. PERSON. Person includes both singular and plural and shall mean and include any business, individual, firm, corporation, association, partnership or limited partnership, joint venture, trust or a similar legal entity, but shall exclude public agencies.

J. PUTRESCIBLE WASTE. Any waste, including Garbage that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions. For purposes of this Chapter, putrescible waste does not include Greenwaste.

K. SOLID WASTE. All nonputrescible solid and semi-solid waste, including, but not limited to, Garbage, Rubbish and Trash, Refuse, Rubble, Construction and Demolition Debris, Industrial Waste, discarded home and industrial appliances, and other discarded substances and materials, excepting Hazardous waste, Radioactive waste, and Medical waste, as those terms are defined in the Act.

L. UNSCHEDULED COLLECTION. Collection of non-putrescible solid waste, including but not limited to Greenwaste and Construction and Demolition Debris, provided through the delivery, use, and removal of Containers on an occasional and non-recurring basis in response to requests for such service at specific real property located within the City. For purposes of this Chapter, Regular Collection Commercial Service, excepting the collection and transportation of Construction and Demolition Debris, provided by a franchised Contractor utilizing Containers is not Unscheduled Collection service.

7.18.020 Permit Required.

A. PERMIT REQUIRED. No Person shall engage in, manage, conduct, or operate a Collection Business within the City of Santa Barbara without having obtained an Unscheduled Collection Permit from the City.

B. EXEMPTIONS. This Chapter shall not apply to:

1. Any Person who is authorized under the Act to transport or dispose of Hazardous Waste, Radioactive and Medical Waste and which does not provide Unscheduled Collection services pursuant to this Chapter.

2. A licensed general contractor (or an agent thereof) who transports loads that are not delivered to a Disposal site or Recycling facility and for which no disposal charge or fee is levied, including but not limited to, loads consisting of soil, gravel and similar excavation material that is delivered to a construction site as part of the necessary grading of that site.

7.18.030 Permit Application and Issuance.

An Unscheduled Collection Permit shall be issued by the City Public Works Director upon receipt of a duly completed application, in a form approved by the Public Works Director, of any Collection Business intending to provide Unscheduled Collection within the City of Santa Barbara. The permit application form shall include, but is not limited to, the following information:

A. Full name of applicant.

B. Permanent home and business address of the applicant.

C. Trade and firm name.

D. If a joint venture, partnership or limited partnership, the names and permanent addresses of all joint ventures or general partners. If a corporation, the name and permanent address of the local manager and the address of the corporate headquarters.

7.18.040 Permit Terms and Conditions.

Unscheduled Collection Permits shall be subject to, but not limited to, the following required standard terms and conditions:

A. ENROACHMENT PERMIT REQUIRED. The Permittee shall obtain an encroachment permit pursuant to SBMC Chapter 10.55 prior to placing a Container on any city street, roadway, sidewalk, parkway, parking area or facility or other City-owned property.

B. **DIVERSION REQUIREMENTS.** The Permittee shall deliver all solid waste collected pursuant to this Chapter to a Certified Recycling Facility. For purposes of this Chapter, "diversion" of solid waste shall commence at the real property located within the City where the solid waste is first collected and shall end upon delivery to a Certified Recycling Facility. The Public Works Director is authorized to waive or modify the requirements of this Subsection pursuant to the diversion requirements established in the Chapter Regulations.

C. **REPORTING REQUIREMENTS.** The Permittee shall make a quarterly report to the Public Works Director regarding the composition, weight, and final destination of all Solid Waste that is hauled from within the City of Santa Barbara in Containers provided by the Permittee and any other information required by the Public Works Director in regard to the collection, classification, and disposition of Solid Waste collected pursuant to this Chapter. The Public Works Director may develop a standard form for this required quarterly report.

D. **REVIEW OF PERMITTEE'S RECORDS.** The Public Works Director shall have the right at any time during normal business hours to inspect and request copies of the Permittee's records relating to unscheduled collection within the City for the purpose of determining compliance with the diversion and reporting requirements of this Chapter and the Chapter Regulations.

E. **PERIOD OF VALIDITY.** An Unscheduled Collection Permit shall be valid from five (5) years from the date of its issuance. Prior to expiration of the Permit, the Permittee shall reapply to the Public Works Director for a renewed Unscheduled Collection Permit.

F. **PERMIT CONDITIONS AND MODIFICATION OF PERMIT.** The Unscheduled Collection Permit shall be granted on such other conditions as determined appropriate by the Public Works Director, provided such conditions are consistent with the provisions of this Chapter, including all Chapter Regulations. The Public Works Director may, from time to time, modify the Unscheduled Collection Permit conditions as he or she deems appropriate or due to changes in applicable law.

G. **PUTRESCIBLE WASTES NOT ALLOWED.** Unscheduled Collection shall not be used for the placement and removal of Putrescible Waste.

H. **POSTING OF PERMIT.** A Permittee shall post, and securely fasten, a copy of its Unscheduled Collection Permit on all of its Containers being used within the City in a manner which makes the Permit clearly visible to the public at all times.

I. **PERMIT AND OTHER FEES.** Fees payable by Permittee for the Unscheduled Collection Permit and other applicable fees shall be established by resolution of the City Council.

7.18.050 Suspension or Revocation of Unscheduled Collection Permit.

A. GROUND FOR SUSPENSION OR REVOCATION. The City shall have the right to temporarily suspend or revoke an Unscheduled Collection Permit, upon 10 days prior written notification to the Permittee, if the Permittee, his agent, or employee or any person connected or associated with the Permittee has:

1. Knowingly made any false, misleading or fraudulent statement of a material fact in an application for an Unscheduled Collection Permit, or in any record or report required to be filed with the Public Works Director.
2. Violated any provision of this Chapter, rules and regulations adopted pursuant thereto, or of any statute or law relating to the permitted activity.
3. Failed to comply with the terms and conditions of the Unscheduled Collection Permit.

B. NOTIFICATION OF INTENT TO SUSPEND OR REVOKE. The Public Works Director shall serve notice in writing to the Permittee by regular mail (postage prepaid) or by personal service that the Director intends to suspend or revoke Permittee's Unscheduled Collection Permit not less than ten (10) days of the date of the Notice. The Public Works Director shall also notify the Permittee in writing of the right to appeal the suspension or revocation to a hearing officer designated for that purpose by the City Administrator.

C. WRITTEN APPEAL. A written appeal shall be filed by the Permittee within ten (10) calendar days of the date of the written notice of the suspension or revocation with the City Clerk and shall comply with the requirements of Santa Barbara Municipal Code Chapter 1.30. The Permittee shall set forth in the appeal letter the reason(s) why the suspension or revocation is not warranted.

D. AUTOMATIC SUSPENSION OR REVOCATION. If no appeal is filed within the time allowed, the Permittee's Unscheduled Collection Permit shall be considered suspended or revoked for the period of time indicated in the notice as of fifteen (15) calendar days from the service of the notice of suspension or revocation as provided in Section A.

E. STAY OF SUSPENSION OR REVOCATION. Upon the filing of a timely appeal, the suspension or revocation of the Unscheduled Collection Permit shall be stayed pending the final determination by the designated hearing officer, unless the Public Works Director determines in writing that the conditions or events which gave rise to the suspension or revocation of the Unscheduled Collection Permit constitutes an imminent or immediate threat to the health, safety, welfare or environment of the public, in which case the suspension or revocation shall be effective immediately upon Notification.

7.18.060 Procedure Upon Appeal.

Appeals by the Permittee of a suspension or revocation of the Unscheduled Collection Permit shall be conducted in accordance with SBMC Chapter 1.25.100.

7.18.070 Time to Submit Permit Application.

Persons operating a Collection Business at the time of the adoption of the ordinance enacting this Chapter must submit an application for an Unscheduled Collection Permit no later than ninety (90) days after adoption date of the ordinance enacting this Chapter.

7.18.080 Chapter Regulations.

The Public Works Director shall prepare regulations required to enforce or carry out the provisions of this Chapter, which regulations shall be submitted to and approved by resolution by the City Council ("Chapter Regulations") not later than the effective date of the ordinance approving this Chapter.